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DOCUMENTS

RELATING TO

THE BOUNDARY LINE

BETWEEN

MAINE AND NEW BRUNSWICK.

Printed by order of the Legislature of Massachusetts.

" General Court.

BOSTON :

TRUE AND GREENE, STATE PRINTERS.

1826.

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DOCUMENTS, &c.

Report of the Agent of the Land Office, Nov. 10, 1825.

Commonwealth of Massachusetts,
Land Office, Boston, Nov. 10, 1825. }

MAY IT PLEASE YOUR EXCELLENCY—

THE Legislature of this Commonwealth passed several resolves, dated 16th February, and 11th June last, in concurrence with resolves of the Legislature of the State of Maine, by which it was made my duty, in conjunction with the Land Agent of the State of Maine, “ forthwith to take effectual “ measures to ascertain the extent of the depredations com-“ mitted on the lands belonging to this Commonwealth and “ the State of Maine, by whom the same have been com-“ mitted, and under what authority, if any, such depredations “ have been made, and all other facts necessary to bring the “ offenders to justice, also to make and execute good and “ sufficient deeds, conveying to the settlers on the undivided “ public lands on the St. Johns and Madawaska Rivers, in “ actual possession as aforesaid, their heirs or assigns, 100 “ acres each, of the land by them possessed, to include their “ improvements on their respective lots, they paying to the “ said agents for the use of this Commonwealth, five dollars “ each, and the expense of surveying the same. And also “ to sell the timber on such of the undivided public lands, as “ lie contiguous to and near to the waters of the River St. “ Johns, in all cases where such sale will, in the opinion of “ the Land Agent, promote the interest of this Common- “ wealth.”

In obedience to, and in pursuance of said resolves, and in consequence of the claim made by the Province of New Brunswick to a large portion of the State of Maine, and granting permits to sundry persons to cut timber, and have, and still are exercising jurisdictional powers over the territory and inhabitants residing north of Marshill, it was thought expedient to make enquiries relative to the facts, and that some possessory acts on the part of the two States should be resorted to without delay. The agents aforesaid took measures in the first place to ascertain whether any timber had been cut, encroaching upon the territory of Maine, and if so, by whom, and under what authority. We ascertained from the lumberers themselves, that a large amount of timber had been taken over our line, by permits issued from the Surveyor General's Office of the Province of New Brunswick, the names of the persons having said permits, and the amount they have cut. We also learned that permits were issued for the approaching winter. Under these circumstances, and to carry into effect the other resolves, it was necessary that we should make a journey to that section of the country. Accordingly, by agreement, I accompanied General Irish, the Land Agent for the State of Maine, the beginning of September, to Bangor, where we engaged two men to take a Batteau up Penobscot, Matawamkeag and Barkenhegan Rivers, and over Schoodic Lake to Woodstock, on St Johns River, and there remain our arrival. We proceeded to Frederickton by the way of Eastport and St. Johns City.— When at Frederickton, we called at the Surveyor General's Office, and stated to him we wished to obtain some documents from his Office, relative to permits granted for cutting timber upon the Arcostook and Madawaska Rivers, to which he replied that he could not furnish such documents without first consulting the Governor, who was then absent on a journey, and would not return for several days. We ob-

served to him, that perhaps when we explained to him more particularly what we wanted, he would not think it necessary to advise with the Governor, and if he would name an hour that day, or the next, we would attend, he however declined acting until he had seen the Governor. We made a written communication, stating the substance of our request, and that we were going up the river, and would call at his office for an answer on our return. We then proceeded up river to Woodstock, where we found our boatmen, and after all things were in readiness, we continued up river, and about twenty miles below Madawaska river, we met a Mr. Baker in a lumber boat coming down ; Mr. Baker formerly lived in Bingham, but now resides and has mills at Marymiticook, fourteen miles above Madawaska River ; he finding out our business, left his boat and followed us up and overtook us a little above Madawaska River, and continued with us up to his place at Marymiticook ; he is an intelligent man, we received from him much valuable information as to the courses, distances and forms of the several lakes, rivers, &c.—also relative to permits granted by the Province of New Brunswick for cutting timber, and with the names, dispositions and customs of the Madawaska settlers. He informed us there were eight or ten families, most of whom came from the States, now residing at Fish River, about twenty miles above his residence, and that Wilmot & Peters, merchants, of Frederickton, were now building mills at the mouth of said river. We did not conceive it to be necessary for us to go up further—we commenced surveying the settlers' lots of one hundred acres each, to several of whom we have made deeds in conformity to said Resolves, but to survey all the lots in the possession of the settlers, would have employed our time till mid winter ; we thought, therefore, it would be quite sufficient to make a few deeds, and then post up public notices of the disposition of the State toward the settlers, which we did at the Catholic

Church and at the Grist Mills; these notices will probably be seen by most of the settlers.

The water in the several rivers and streams being low, much more so than was ever known before by the oldest inhabitants, and diminishing daily, we concluded it would not be possible for us to return by the way of Matewamkeag River as we had intended, we therefore gave our boatmen ten days supplies of provisions, with instructions to go up to Fish River, and from thence cross over to Bangor by the head waters of the Penobscot River, and make a critical examination of the country, noting the streams, lakes and rivers, and generally all the information in relation to that section, that came to their knowledge.

We then took Mr. Baker into our Batteau, and proceeded down the St. John River, making domiciliary visits to many of the settlers, with whom we conversed and explained the objects of our visit; they all expressed great satisfaction and delight at the prospect of being received into the family of Maine, and were ready to take deeds of their lots, but most of them have in possession from four to six hundred acres, and are desirous of purchasing at a fair rate sufficient to cover their possessions; they have accordingly made applications to be submitted to the Legislatures for that purpose. The Eastern boundary line crosses the St. John River about two miles above the grand falls—from the line to the Madawaska River is about thirty miles, the settlers are situated from eighty to one hundred rods apart, on each side of the river, nearly the whole distance, we counted the houses, in all two hundred and twenty two, averaging eight persons in each, (which is considered a low average) will make the whole number one thousand seven hundred and seventy six—they are a very industrious, civil and hospitable people, and well deserving the fostering care of government, many of whom have patents or grants of their lands from the Province of

New Brunswick, but they have little confidence in the value of the grants. Between the Grand Falls and Eel River we undertook to number the houses on the west bank, in order to have some means of estimating the amount of population, but the smoke came upon us from the burning woods so astonishingly dense and suffocating that we were frustrated in this design; we however obtained some information from enquiry to satisfy us that there are over two hundred and fifty families. These settlers are composed of half pay officers, refugees and their descendants, also many Irish and some Scotch. We conversed with many of them to learn their dispositions for or against an exchange of territory; we found, generally, the descendants of Yankees would be pleased with it, but the half pay officers and those now in the employ of government, would be very much averse—the first are much the most numerous.

The land on the west side of St. John's River, generally speaking, is of an excellent quality, greatly superior to the east side. There are large tracts of rich interval; back of the intervals the land rises up a beautiful glacis, resembling art more than nature; after ascending the glacis you come to extensive tracts of table land, and further back to gentle swells of hard wood. This description, however, is not without some exceptions. The settlers raise large supplies of wheat, oats, barley, hay and the best potatoes I ever met with, and indeed every article that can be raised in New England they have in abundance, with the exception of Indian corn, they are not, however, what we should call good husbandmen.

The land on the Arcostook River is also of an excellent quality for cultivation; there are upwards of twenty families settled on the banks of this river; they all do something in agriculture, but most of them employ their time principally in lumbering; they are very anxious to be quieted in their

possessions, but we had no authority relating to them. On our way to New Brunswick, we were informed that the Government had received instructions, from home, not to grant any more permits for cutting timber upon the Arcostook or Madawaska Rivers, until the boundary lines are permanently established. This information has been confirmed to us by the lumberers, with the addition, that the permits given for the approaching winter have been recalled, which has disappointed a great many who had previously got their supplies up river with a view to lumber extensively. We thought, under those circumstances, it would be well to make some provision, by which they might obtain timber from our soil, and prevent their disappointment, inasmuch as the supplies they have of provisions, &c. near our lines, would undoubtedly enable them to plunder, and would be so used if not permitted to cut. We appointed, with this view, an agent at Madawaska, and another at Arcostook, with power to grant permits under certain conditions and restrictions.

On our return to Frederickton, we called at the Surveyor General's Office for an answer to our communication; he was not in his office. The clerk informed us that he was at his house, as his dwelling was in danger from the burning woods. He (the clerk) did not know of any answer, but that the Surveyor General wished to be informed when we called, and that he would immediately inform him. We told the clerk that if any communication was to be made, we should be found at the Frederickton Hotel until Thursday morning, seven o'clock, (this being Tuesday)—we received no reply whatever. Whether it was the intention of the Surveyor General to withhold from us the information we wished, or whether it was owing to the confusion the town was in, in consequence of the conflagration of a large part of the village, we do not know, but we have reason to believe it was from the first motive. The information has, however, been fully

obtained from the lumberers as before mentioned. In conversation with the merchants of the city of St. John and Frederickton, we found they expressed generally the opinion, that by the treaty of 1783 we obtained an advantage over them, which at the time was little understood ; and that according to the treaty, the Province of New Brunswick would be nearly disjoined from Lower Canada, which could not be submitted to ; and that all that territory northeast of St. John's and Madawaska Rivers must be theirs at any rate, by purchase or compromise ; should a compromise be made, as has several times been intimated, so as to surrender up our claim to the above territory and receive therefor all west of the St. John's River, as low down as Eel River and North Lake, we shall lose about one half the settlers at Madawaska, as about that proportion are on the east side, and obtain a larger number on the west side, below the Grand Falls, that are hardly worth having. As it is of importance to the British to have a free use of the Madawaska River, as a highway for the transportation of the mail, &c. we ought, at the same time, to require the right of a free navigation and use of the St. John's River, for the transportation of our lumber and other commodities, to Eastport and elsewhere, without being subject to duties ; and also that the several grants made to the Madawaska settlers be taken into account, and that compensation be made for the timber cut under the permits. Should a compromise upon these terms be made, we think it would be of mutual advantage to both nations ; for our present line cuts off a portion of the Aroostigooch river, where there is a large body of fine pine timber growth.

We have recommended to Gov. Parris, (which has met his entire approbation) the following measures, to be adopted as expedient for the interest of all concerned, viz.

That two Justices of the Peace be commissioned ; that a Deputy Sheriff or Constable be appointed, and that one or

more Military Districts be formed at Madawaska, and at a suitable time be so organized that they may have a Representative in the Legislature of Maine; and we think it would be for the interest of both States, that authority be granted to sell to the Madawaska settlers the land they have in possession, more than one hundred acres, for a reasonable consideration; and that a bushed or winter road be cut from the head waters of Penobscot, in a direction near the head of the Aroostook, and continued to Madawaska or Fish Rivers; the distance is about one hundred miles; the expense would not exceed twenty dollars per mile, and it would probably enhance the value of each township through which it goes, equal to the cost of the whole road, and open a country that has scarcely been seen.

I herewith have the honor to transmit a sketch of that part of Maine, as all the maps now in use are very erroneous in regard to that quarter.

I am, with the greatest respect,

Your Excellency's most ob't and
very humble serv't,

GEO. W. COFFIN, *Land Agent.*

*Copy of a Letter from Mr. Clay, to Gov. Lincoln,
December 15, 1825.*

Department of State, }
December 15, 1825. }

His Excellency Levi Lincoln, Governor of Massachusetts.

SIR—I have the honor, by the direction of the President, to acknowledge the receipt of your letter addressed to him on the 26th ult. transmitting a copy of the Report of the Land Agent of the Commonwealth of Massachusetts, and to assure you of the anxious desire of the Government of the United States to make a satisfactory arrangement with that of Great Britain, of our North Eastern Boundary.

No time will be unnecessarily lost in bringing the negociation to a final conclusion. In the mean time, it is desirable that each party, governed by a spirit of moderation, should refrain from the adoption of any measures which may tend to give just quietude to the other ; it would, perhaps, be best for neither to do any act which would change the state of the question, as it existed when the Commission under the treaty of Ghent was instituted. If one attempt to strengthen his pretensions by the exercise of acts of sovereignty or ownership, over parts of the disputed territory, which were then waste and uninhabited, the other will resort to the same expedient, and the collisions which would inevitably follow, would place both parties in a state less propitious to an amicable settlement of the difference. It was under this view of the propriety of mutual forbearance, that when, in the course of the last spring, statements were received at this department of depredations committed under colour of British authority; within the limits of the State of Maine, as claimed by us, I addressed a note to the British Charge d'Affaires, near the government, remonstrating against those

depredations. It appears from the above report of your Commissioners, and from the sources of information, that our remonstrance has had the desired effect, that the Governor of the adjoining British Province has been directed, by proper authority, to discontinue granting license to cut timber, and that he has accordingly discontinued.

The President wishes that this conciliatory course, on the part of Great Britain, should be reciprocated by us, and I am therefore directed by him, respectfully to suggest to your Excellency, the propriety of its being observed by the Government of Massachusetts:

I seize the occasion to renew to your Excellency, assurances of my respectful consideration.

H. CLAY.

*Copy of a Letter from Gov. Lincoln, to Mr. Clay,
December 22, 1825.*

Executive Department of Massachusetts, }
Worcester, Mass. Dec. 22, 1825. }

*To the Honourable Henry Clay, Secretary of State of the
United States.*

SIR—I have the honor to acknowledge the receipt of your letter of the 15th instant. My reply, under date of the 6th of December, to your former communication, has, I trust, satisfactorily explained the occasion and character of the measures which have been authorised by the government of Massachusetts, for the protection of the property of this Commonwealth, within the limits of the State of Maine.

The early re-assembling of the legislature, will enable me to bring the subject again very immediately under their consideration. In the mean time, you will please to assure the President, that no steps are in contemplation, which can, in any degree, tend to produce further excitement on the part of the British, in the neighbourhood of the lands, or to embarrass the government of the United States, in their endeavours to obtain a satisfactory arrangement with that of Great Britain, in the establishment of the true line of our north eastern boundary.

It is gratifying to know that this subject, of such peculiar importance to the interests of this Commonwealth, and of the State of Maine, has already received so much attention from the national executive.

I have the honor to be, Sir,

With sentiments of most respectful consideration,
Your obedient servant,

LEVI LINCOLN.

MESSAGE.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives.

THE Commissioners under the Act of Separation of Maine from Massachusetts, have made to me a report of their further proceedings, during the last season, in the division of the public lands. By this division they have assigned, and set out by metes and bounds, to the part of the Commonwealth of Massachusetts, 422,025 acres, and to the part of the State of Maine, 420,488 acres, in townships and parts of townships, in severalty, and have returned copies of their records, and of the surveys made by their direction, duly authenticated by them, to be deposited in the archives of State.

It will be perceived by the report, that the Commissioners propose further surveys, the next season, of five additional ranges of townships, contiguous to those just now divided. The facility with which this work may be accomplished by the Surveyors, who are, in some respects, already made acquainted with the character of the country, and the nature of the service, from their recent engagement, will obviously suggest the propriety of enabling the Commissioners to execute their present purpose. These lands are so situated as to be most saleable by townships, the designation and location of which can be made with most economy, as well as with that proper regard to arrangement and uniformity, under this commission, which will exclude interference of boundary lines, incident to surveys made by different persons, and at distant periods of time. The appropriation by the third section of the act of the 29th of January, 1822, having been exhausted, it becomes necessary that further provision should be made

to discharge the balance of expenses already incurred, and to meet the necessary charges in the execution of the further duties of the commission, which I recommend should be immediately done. The drafts of the Commissioners for the surveys of the last year, exceed the amount of the contingent fund, originally granted, by about 800 dollars. The various accounts which have been examined and settled from time to time, by the Executive Government of this Commonwealth, and of the State of Maine, have been altogether satisfactory, and shew, that the money has been usefully and properly expended, and faithfully and fully accounted for.

A copy of the Report, made to me by the Commissioners, is herewith transmitted to each branch of the Legislature. Copies of their records and surveys, authenticated as is required by the Act of Separation, with the plans and field books, I have caused to be deposited in the office of the Secretary of State.

LEVI LINCOLN.

Council Chamber,
January 13, 1326. }

Report of Commissioners, under Act of Separation.

TO HIS EXCELLENCY LEVI LINCOLN, GOVERNOR OF THE COMMON-
WEALTH OF MASSACHUSETTS.

The undersigned, Commissioners under the Act for separating Maine from Massachusetts, herewith transmit an account of their proceedings since their last communication. They have caused surveys to be made of two ranges of townships, west of the line run north by Col. Johnson from the monument at the source of the St. Croix, nearly to the St. Johns River. They have made a division of the land remaining undivided and unlocated in those ranges, according to the enclosed copy of their record. They have also caused surveys to be made of five ranges of townships, bounded north on a line run due west from the aforesaid monument, and extending south to the fourth range of townships north of Bingham's purchase, east of Penobscot River, and embracing all the undivided land north of said range, and have made a division thereof, and also of a tract of undivided land near the Schoodic Lake or Bay, and have caused said division to be recorded; a copy of which record, with the field notes and maps of the Surveyors, will shew how said division has been made. They have assigned in the whole to Massachusetts, 422,025 acres, and to Maine, 420,488 acres. At the close of their last meeting, the Commissioners were unable to state the amount of expense which would be incurred in making the surveys the past year. They have now ascertained that the expenses already incurred exceed the appropriations the sum of \$810 96 which is due to the Surveyors, and which by contract was to have been paid them at this time. To this sum, the Comissioners are confident, appropriations will be made. What further appropriations will be proper, is submitted to the wisdom of the respective Legislatures to decide. The Commissioners en-

tertain doubts whether it will be expedient to extend surveys into so small tracts as townships, over the remainder of the undivided land, or to adopt some plan of division into more extensive tracts. However this may be, in general, they have no doubt of the propriety of causing further surveys into townships of the County, comprising the head waters of Aroostick River. The enclosed copy of their records, proposing a survey of five additional ranges of townships, bounded south and east on those surveys which they have made the past year, will shew what they propose the current year, in case adequate appropriations are made. What will be sufficient cannot now be ascertained ; but it is respectfully suggested, that the appropriation for that purpose, should not be less than six thousand dollars.

The Commissioners connected with this subject respectfully state, that the provision for their compensation is inadequate. The duties required of them are arduous ; and, in discharging the trust reposed in them, when they have been assembled, they have required their whole attention, from an early hour to a very late one. To make an equal division of the land, owned in common, requires much examination and reflection. The difficulties arising from the uncertainty of the extent of the public land, of necessity, engage much of their attention, as well when they are separated, as during their meetings. They believe that less is allowed them, considering the nature of the service, than is given other Agents. In executing the trust enjoined by the Act of Separation, the Commissioners have experienced repeated embarrassments, from not having correct information of the proceedings of the two States, affecting either the land to be divided, or its value. Difficulties of this nature have occurred during their present meeting. They have understood that a survey has been made under the direction of the Land Agent. of Massachusetts, for the Proprietors of

the Hopkins Academy grant, which runs across the side of one of the townships which they have had surveyed, and had contemplated to have divided. This does not bound on any line of the township, but leaves a small strip of land south of it. In the uncertainty whether this grant would be finally located there, and be regularly confirmed, they have been obliged to exclude the same from their division. They have also understood that the east half of a township which they have had surveyed with a view to a division, has been located by the Land Agent, of the State of Maine, as an equivalent for the Hopkins Academy grant. This also has been excluded from their division. These facts have accidentally come to their knowledge. In order that no mistakes may be made, and to prevent confusion, they submit that it will be proper, when any Law, Resolve, or proceeding, appropriating any part of the undivided land, be passed, or any measures affecting the relative value thereof be taken, that the proper officer be directed to certify the same to them.

The enclosed copy of their records, which they are required to make, to be deposited in the Archives of the respective States, will shew more fully their proceedings at their present meeting.

They are most respectfully,

Your most obedient servants,

GEORGE BLISS,
BENJ. J. PORTER,
CHARLES TURNER,
REUEL WILLIAMS,
SILAS HOLMAN,
DANIEL ROSE.

Attest, JAMES L. CHILD, Sec'y.

Portland, January 3, 1826.

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